

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 46

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JOHN R. GAMMINO

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Appeal No. 97-1200  
Application 08/200,945<sup>1</sup>

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ON BRIEF

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Before THOMAS, HAIRSTON, and FLEMING, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

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<sup>1</sup> Application for patent filed February 23, 1994. According to applicant, the application is a continuation of Application 08/042,160, filed April 2, 1993, which is a continuation of Application 07/911,115, filed July 9, 1992.

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DECISION ON APPEAL

This is an appeal from the final rejection of claims 26 through 30. In a first Amendment After Final (paper number 22), claim 29 was amended, and in a second Amendment After Final (paper number 28), claims 29 and 30 were amended. According to the examiner (paper number 29), the latter amendment had the effect of overcoming the indefiniteness rejection. In a letter (paper number 45) requesting withdrawal of the request for oral hearing, appellant requested that the appeal of claim 27 be withdrawn. In view of the withdrawal of the appeal of claim 27, the only claims that remain before us on appeal are claims 26 and 28 through 30.

The disclosed invention relates to a telecommunications method and apparatus for evaluating a third plurality of dialing signals in a dialing sequence to determine whether the dialing signals are located in the dialing sequence to accomplish international dialing. If the third plurality of dialing signals are located in a position for international dialing, then the telecommunications apparatus prevents the establishment of an international telephone call.

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Claim 26 is illustrative of the claimed invention, and it reads as follows:

26. Telecommunications apparatus for selectively preventing establishment of a telephone call to a telephone number having a central office exchange code, said telecommunications apparatus being capable of receiving a transmitted dialing sequence which includes a first plurality of dialing signals, followed by a second plurality of dialing signals followed by a third plurality of dialing signals, wherein said telephone call is placed through a telecommunications switch, said telecommunications apparatus comprising:

means for receiving said dialing sequence prior to receiving said central office exchange code;

means for evaluating said third plurality of dialing signals and for preventing said telecommunications switch from establishing said telephone call if

said evaluated third plurality of dialing signals are determined to a) be in a location in said dialing sequence to accomplish international dialing, and b) be respective predetermined signals which are used for international dialing irrespective of said second plurality of dialing signals.

The reference relied on by the examiner in the remaining rejection is:

Bimonte et al. (Bimonte) 4,577,066 Mar. 18, 1986

Claims 26 and 28 through 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bimonte.<sup>2</sup>

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<sup>2</sup> Although FCC Regulations are not listed in the references of record, the examiner does, however, discuss them in the grounds of the rejection.

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Reference is made to the briefs and the answers for the respective positions of the appellant and the examiner.

OPINION

In appellant's co-pending Application 08/186,820 (Appeal No. 97-4150), the Board in a decision dated March 12, 1998 reversed the prior art rejections of the claims on appeal. The prior art rejection of claims based upon the teachings of Bimonte and FCC Regulations was reversed because "Bimonte and the FCC Regulations neither teach nor would they have suggested the prevention of international calls based upon a determination of specific digits in a dialing sequence" (Decision, page 9). Inasmuch as the claims presently before us are directed to the same international call prevention<sup>3</sup> based upon a determination of a third plurality of dialing signals in a dialing sequence, the obviousness rejection of claims 26 and 28 through 30 is reversed.

It is not necessary that we consider appellant's evidence of secondary considerations because the examiner has not satisfied

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<sup>3</sup> A terminal disclaimer (paper number 23) has been filed disclaiming the terminal part of the statutory term of any patent granted for the subject application that would extend beyond the termination date of any patent issuing from the related application.

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the initial burden of establishing a prima facie case of obviousness.

DECISION

The decision of the examiner rejecting claims 26 and 28 through 30 under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
KENNETH W. HAIRSTON	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
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MICHAEL R. FLEMING	)	
Administrative Patent Judge	)	

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